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RUEHUM/AMEMBASSY ULAANBAATAR PRIORITY 0961
RUEHVK/AMCONSUL VLADIVOSTOK PRIORITY 0012
RUEHC/DEPT OF LABOR WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY

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NSC FOR DENNIS WILDER
DEPT FOR EAP/CM G/TIP, G, INL, DRL, PRM, IWI, EAP/RSP

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TAGS: [PHUM](#) [PINR](#) [PGOV](#) [HK](#) [CH](#) [KCRM](#) [KWMN](#) [SMIG](#) [KFRD](#)
ASEC, PREF, ELAB
SUBJECT: 2006 TRAFFICKING IN PERSONS REPORT: MACAU

REF: A. SECSTATE 003836

[1](#)B. HONG KONG 0217

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Overview of Trafficking Problem

[1](#)1. (SBU) Macau, a Special Administrative Region (SAR) of the People's Republic of China (PRC), is not a source of trafficked persons, but it is a destination and transit point for illegal immigration and prostitution. There are no good estimates of how many of these illegal migrants and prostitutes may fit the broad definition of "trafficked persons" used for this report, but anecdotal evidence suggests the number is probably rather small. The Government investigated 42 cases of "procurement" (i.e., the exploitation of prostitution) during 2005, all of which were either under investigation or being prosecuted as of this writing. Ten of the women involved in these cases claimed to have been brought to Macau under false pretenses and three complained of abuse. In none of the cases did the Government suspect trafficking in persons. None of the cases involved child exploitation.

[1](#)2. (SBU) The leading Hong Kong English-language daily "South China Morning Post" (Circ. 100,000) reported in July 2005 that women were being brought to Macau under false pretenses and forced or coerced into prostitution. The report alleged the women had their passports taken away, were kept under surveillance, were subject to debt bondage, and were threatened with physical violence to themselves or their families. A local NGO that has helped trafficking victims in the past told us they had not encountered any cases of trafficking during the past year, though they admitted they did not proactively seek out trafficking victims. There were no reports of child trafficking, or of victims being forced or coerced to work in sweatshops or other jobs.

[1](#)3. (SBU) According to reliable contacts in the Macau Government, most trafficking victims come from Mongolia or

interior regions of China, and are typically told they are coming to Macau to work as dancers. Criminal organizations reportedly provide assistance to some of them to travel from their home countries, enter Macau, and/or settle in the city.

The Government told us that Chinese, Russian, and Thai criminal syndicates are involved, and usually pass the women to local triad groups once they enter Macau. The terms of repayment for such "employment assistance" reportedly can be onerous, often more onerous than the women had been led to believe. Living and working conditions also can be problematic, according to NGO and press reports, involving close monitoring)- even imprisonment -- during off hours, crowded boarding arrangements, confiscated identity documents, long working hours, and threats of violence. The authorities investigate reports of such activities promptly. Organizers of prostitution rings, whether or not involving trafficked persons, are prosecuted under laws that criminalize profiting from the proceeds of another person's prostitution.

¶4. (SBU) There is no integrated government effort in Macau to control or combat trafficking in persons. While Government officials generally acknowledge that trafficking exists in Macau, they do not consider the problem serious and believe current policies and efforts are sufficient. Macau has several laws related to trafficking, and the Immigration Department and local police aggressively enforce the law. Macau actively participates in international meetings on trafficking and adheres to all international treaties governing trafficking in persons to which the PRC is a signatory.

¶5. (SBU) There are no government assistance programs for victims of trafficking and no local NGOs specifically dealing with trafficking issues. The Government argues that the problem is too small to warrant special programs. There are, however, Government programs and charitable organizations

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that provide assistance and shelter to women and children who have been the victims of abuse, including trafficking victims.

Prostitution in Macau

¶6. (SBU) Prostitution is legal in Macau, though a number of activities associated with prostitution, including "pimping," are illegal. Advertisements for sexual services can be found in regional newspapers and magazines, and posted on ferry terminal walls. There are no reliable data on the number of prostitutes working in Macau, but most come from mainland China, Russia, Eastern Europe, Thailand, and Vietnam. Most prostitutes are from rural areas and are typically seventeen to thirty years of age. They are usually poorly educated, though not illiterate. They tend to be very mobile, usually coming for a month at a time and then moving to other countries, usually at the expiration of their tourist visas. Most work in hotels and casinos, though our contacts in the Thai Consulate in Hong Kong told us prostitution in the casinos is normally limited to PRC nationals, because Chinese organized crime rings allegedly control most Macau casinos.

¶7. (SBU) Macau law enforcement officials told us the overwhelming majority of foreign prostitutes come to Macau as willing participants in the commercial sex trade, and typically know in advance specifically what they will be doing and how much they can expect to earn. Prior to the introduction of the Individual Visitor Scheme (IVS) in 2003, which allowed tourists from certain mainland cities and provinces to enter Macau on an individual basis, most prostitutes came to Macau with the help of a "pimp" or a criminal syndicate. The introduction of the IVS made it possible for most prostitutes to enter Macau on their own, though some still seek the help of pimps, either because they are unaware that they can obtain visas on their own or because they need logistical and financial help with travel

and housing. While the IVS has weakened the role of pimps in Macau's sex industry, law enforcement officials believe that Chinese, Russian and Thai criminal syndicates are still involved in bringing prostitutes into Macau. These officials claim, however, that women are rarely coerced into coming, or forced into prostitution once they arrive.

¶18. (SBU) Macau allows visa-free access for nationals of many countries to facilitate tourism. For citizens of non-visa-free countries, including Russia, visas can be obtained on arrival. The Russian Consulate in Hong Kong estimates that at any given time there are more than 100 Russian prostitutes with work visas in Macau, and another 100 with tourist visas. Immigration officers do not admit people they believe are entering for illegal employment, but they do not routinely refuse entry by targeting certain groups of travelers from specific countries. Macau officials have made efforts to work with other governments, particularly the RC, to develop a list of those known to be practicing prostitution, making it more difficult for those persons to get passports and exit permits from their home governments and visas for Macau.

Macau's Efforts in Preventing and Combating Trafficking

¶19. (SBU) There is no integrated government effort in Macau to control or combat trafficking in persons. While Government officials generally acknowledge that some trafficking exists in Macau, they do not consider the problem serious or widespread enough to warrant separate programs. They claim that current policies and efforts are sufficient to address the issue. According to these officials, the overwhelming majority of prostitutes know why they are coming to Macau and continue to work of their own free will. Many immigrants to Macau sign contracts outlining the terms of their work before arrival, and the Macau police rarely receive complaints that the terms of such contracts have been violated, according to our contacts at the Russian, Thai, and Philippine consulates.

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Both the Macau government and the various consulates representing those working in Macau note that they receive very few complaints or allegations of mistreatment of prostitutes or other foreign migrants. The NGO Catholic Social Services (CSS) told us that, in those cases where trafficking victims sought help from the police, the police did "a fairly good job" of dealing with the problem. However, the government acknowledges that most victims are unable or unwilling to contact the police. Some fear reprisals from their handlers, who are often associated with organized crime, and others fear that their families will find out they are working in prostitution.

¶10. (SBU) Macau has effective immigration controls, but its long border with Mainland China makes illegal immigration a continuing problem. Macau has land border control points with the PRC and an international airport with regional flights to China, Bangkok, Manila, Singapore, Taipei and Moscow. Ferries land regularly from Hong Kong, Zhuhai, and Shenzhen. Macau received 18.7 million visitors in 2005, up from 16.7 million in 2004. It is a common practice for prostitutes to go back and forth across the Chinese border when their visas expire in order to get new visas and continue to work. Macau immigration tries to control such activity, and often refuses to issue a new visa if it suspects abuse. However, the increasing volume of visitors attracted by Macau's booming casino industry makes it easier for people to enter illegally.

Investigation and Prosecution of Traffickers

¶11. (SBU) Macau does not have a separate law on trafficking in persons, but has the ability to prosecute such offenses under a variety of other laws. Article 7 of the Law on

Organized Crime covers the rare occasion when a person is trafficked out of Macau, but does not apply to victims exploited in Macau. The penalty for trafficking in persons under this law is two to eight years imprisonment. This increases by one-third, within minimum and maximum limits, if the victim is less than 18 years of age. If the victim is under 14 years of age, the penalty is five to fifteen years imprisonment. Crimes against personal freedom, most notably slavery, are prosecuted under Article 153 of the Criminal Code of Macau. This law makes illegal the sale, transfer or purchase of a person made with the intention to reduce that person to the status or condition of slave. Notably, this law has also been interpreted to include economic and sexual exploitation, which is punishable by 10 to 20 years imprisonment. Prosecutions under this law are also rare.

¶12. (SBU) Some trafficking cases also can be prosecuted under Macau's kidnapping and rape laws. Kidnapping with the intent to commit a crime against sexual liberty or self-determination is punishable by three to ten years imprisonment under Article 154(1)(b) of the Criminal Code of Macau. In cases where the kidnapper rapes a victim, they are treated as two different crimes, though the sentences can in some cases be served concurrently. The penalty for rape is three to twelve years imprisonment. The Criminal Code forbids the death penalty and life imprisonment. The maximum term of imprisonment is thirty years in total.

¶13. (SBU) Since most trafficking cases involve prostitution, by far the most common, and easiest, method of prosecuting such cases is under Macau's "procurement" laws. Although prostitution is legal, the exploitation of prostitution is illegal and is punishable under various autonomous statutes. For example, "procurement" *- defined as instigating, favoring or facilitating the practice of prostitution by another person or exploiting their state of abandonment or necessity for the purposes of profit or as a way of life *- is punishable by one to five years imprisonment under Article 163 of the Criminal Code of Macau. Additionally, "aggravated procurement" *- defined as the use of violence, serious threats, or deception, or exploiting the mental incapacity of

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a victim *- is a separate crime punishable by two to eight years imprisonment under Article 164 of the Criminal Code of Macau.

¶14. (SBU) According to Macau's International Law Office, the Government's typical response to a trafficking complaint is: 1) police investigate and the woman is sent to a shelter; 2) a Government prosecutor investigates and, depending on what is found, a court case may be filed; 3) the victim is offered assistance to return to her home country at the expense of the Macau government. Officials noted that this last step often makes the case more difficult to prosecute if the victim does not return for the trial, but the Macau government provides this assistance for the physical and emotional protection of the victim. Officials also noted that, after repatriation, some prostitutes returned to Macau and engaged in prostitution again. Most prostitutes were "professionals" who knew the laws on trafficking and that the Government would buy them a ticket home if they claimed they were forced into prostitution, this official said. Many such "victims" would return to Macau a few months later. All trials are public, except when the victim is a minor or when the victim's life (or that of someone else involved) is in danger.

¶15. (SBU) The number of procurement crimes has remained relatively unchanged in recent years. From 1999-2003, there was an annual average of 18 procurement cases and one case of sexual coercion. In 2004, there were 17 complaints from women who claimed they were brought to the SAR under false pretenses, and 5 complaints of abuse. In 2005, 10 women complained of being brought to the SAR under false pretenses, and 3 complained of abuse.

¶16. (SBU) Several international treaties designed to combat slavery and similar practices, as well as trafficking in persons, are applicable to Macau, including:

- The International Convention for the Suppression of the Traffic in Women and Children;
- The International Convention for the Suppression of the Traffic in Women of Full Age;
- The Slavery Convention;
- Convention No. 29 of the International Labour Organization (ILO) concerning Forced or Compulsory Labour; --The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- Convention No. 105 of the ILO concerning the Abolition of Forced Labour;
- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Elimination of all Forms of Discrimination Against Women;
- The Convention on the Rights of the Child;
- ILO Convention 182;
- The Sale of Children Protocol.

Protection and Assistance to Victims

¶17. (SBU) There are no official government assistance programs in place for victims of trafficking, and no NGOs focused specifically on trafficking issues. Officials claim the problem is too small to warrant separate Government programs. However, several NGOs and charitable organizations, including CSS and the Association of Women of Macau, provide assistance to abused women, including trafficking victims, without regard to nationality or social status. These organizations told us they had not received any requests for assistance from trafficking victims during the year, though they admitted that they do not actively

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seek out victims. The government also provides assistance to abused women, including trafficking victims. The Macau government provides repatriation funds to those who wish to return to their home countries but cannot afford tickets, including those who claim to be victims of abuse or trafficking. Government officials have received anti-trafficking training that included segments on protection of victims at the U.S.-sponsored International Law Enforcement Academy in Bangkok.

¶18. (U) Post point of contact is poloff Donald Conner, Tel. (852)2841-2139, Fax (852)2526-7382; unclass email: connerdl@state.gov.

Hours required to do the report:

- FS4 - 26
- FS2) 2
- FS1 - 2
- OC - 1

Cunningham